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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,237	10/30/2001	Neal Brady	00-1153-A	9272

7590 06/02/2006

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EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/001,237	Applicant(s) BRADY ET AL	
	Examiner Frantzy Poinvil	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/6/06 & 12/30/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Regarding the status of the claims in the instant application, the Examiner has previously indicated allowable subject matter of claims 21-60. The Examiner has made an updated search and found new prior art. The Examiner is obliged to apply the newly found prior art. The Examiner regrets the delayed process of the application. Accordingly, claims 21-60 remain pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martyn et al (US Patent No. 6,195,647) considered with Garcia (US Patent No. 6,272,474).

As per claims 21, 22, 31 and 40, Martyn et al disclose an online transaction processing system and method for security trading. The system and method comprise identifying all users of the system. Users include traders and market makers and each user having a workstation identification and user identification and password information. See column 4, lines 26-30 of Martyn et al. Martyn et al disclose a user making a request for quotation of one of a plurality of products or securities among a

plurality of products or securities. See column 5, line 44 to column 11, line 35. The system determines the quotes and send the quotation to the requestor. The requestor may also transmit a binding quote for the identified product or security to the system. The only difference between the claimed invention and the system of Martyn et al is that the request for quotes is not sent to a market maker and the request for the binding quote for only the at least one product of the plurality of products is not set to an identified market maker station. However, one of ordinary skill in the art would recognize that the posted quotes are quotes made by market makers posting their best quotes (best bids, offer to buy, and best ask or offer to sell and the number of shares the market makers are ready to fill at a given price). Although not explicitly stated, the requestor may then view and receive a desired quote about a type of product or security from any desired market maker.

Alternatively, one of ordinary skill in the art would have turned to Garcia for the teachings of facilitating a trader to select a market maker to send a binding quote to. Garcia discloses a system and method for monitoring and effecting trading transactions via the Internet. See the abstract. Particularly, Garcia discloses a system in which a trader may view quotations from a specific trader. Garcia states that "Stock information is received that includes bid offers, ask offers, the size of the bid offers and the size of the ask offers and the identity of the market makers making each offer". See column 5, lines 55-67 of Garcia. Garcia also states "An online trader has the option to display bid/ask trade bar 1 for all trades, trades of a particular group of market makers or ECNs, or trades only of a specific market maker or ECN". See column 7, lines 7-16.

Traders usually transmit binding quotations to market makers. A requestor viewing the trend of a specific market maker would have then been motivated to select that particular market maker to enter into a binding agreement with by transmitting a binding quote to that market maker.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Garcia with Martyn et al in order to allow a trader to select a specific market maker having a best bid or offer for a particular transaction, thereby enabling traders a better assesement of determining trading patterns of market makers in those selected stocks and thus increasing their probability of buying low and selling high (abstract of Garcia).

Martyn et al and Garcia disclose polling a plurality of market makers stations having different identifications, each identification associated with a different market maker possibly interested in quoting for the at least one product and evaluating responses thereto.

The system of Martyn et al and Garcia comprises a network, at least one network managing station, a first processor and memory logic. The market maker stations also comprise a network interface, a processor, a memory and a quote generator. The subscriber station also includes a network interface, a processor, memory and logic.

As per claim 23, 32, 41 Martyn et al do not state revealing the identity of the market maker station or the requestor.


As per claims 24-30, 33-39 and 42-60, see the rejection of claims 21, 31 and 40 above.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Frantzy Poinvil
Primary Examiner
Art Unit 3628